

Applic. No. 10/606,096

Amdt. dated March 29, 2005

Reply to Office action of November 29, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 18-37 remain in the application. Claims 18, 20-24, and 35-37 have been amended. Claims 28-30 and 33 have been withdrawn from consideration.

In item 2 on page 2 of the above-identified Office action, the Examiner stated that new drawings are required because the presently added Fig. 10 is not clear.

The Examiner did not give any specific objections and it is not clear as to what the Examiner has a problem with.

Furthermore, applicants have reviewed Fig. 10 and find that the drawing is clear. Accordingly, Fig. 10 has not been amended at this time.

In item 4 on page 2 of the above-identified Office action, claims 20-23 and 35-37 have been rejected as failing to comply with the written description requirement under 35 U.S.C. § 112.

More specifically, the Examiner alleges that "One third", "one fourth", "one fifth", "one sixth", and "one seventh"

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longitudinal fins are not described in the specification or shown in the drawings. It is noted that the claims do not refer to fractional amounts, merely to additional longitudinal fins, "third", "fourth" etc. longitudinal fins. Claims 20-23 and 35-37 have been amended so as to facilitate prosecution of the application. Therefore, the rejection of the claims is believed to have been overcome.

In item 6 on page 3 of the above-identified Office action, claim 24 has been rejected as being indefinite under 35 U.S.C. § 112.

The Examiner stated that there is insufficient antecedent basis for the limitation of "the exterior". Claim 24 has been amended so as to further clarify the claim and to facilitate prosecution of the application. Therefore, the rejection of claim 24 is believed to have been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor

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for any reason related to the statutory requirements for a patent.

In item 8 on page 3 of the Office action, claims 18, 25, 27, 31, 32, and 34 have been rejected as being fully anticipated by Ratliff (U.S. Patent No. 5,415,365) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 18 calls for, *inter alia*:

the at least one first and at least one second longitudinal fins form a channel with the underside of the fuselage, the channel including the nose and tail of the fuselage.

The Ratliff reference discloses an amphibious aircraft, capable of high speed maneuverability on the surface of water by utilizing an aerodynamic platform to generate lift and to define a tunnel with a pair of central sponsons extending

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inwardly of the wings of the aircraft longitudinally of the platform which supports the cockpit and propulsion system (abstract). The sponsons (30 and 30a), which are shown in Figs. 1, 4, and 5 of Ratliff, do not form a channel that includes the nose of the fuselage.

The reference does not show that the at least one first and at least one second longitudinal fins form a channel with the underside of the fuselage, the channel including the nose and tail of the fuselage, as recited in claim 18 of the instant application. The Ratliff reference discloses that the sponsons do not extend to the nose of the fuselage for forming a channel that includes the nose of the fuselage. This is contrary to the invention of the instant application as claimed, in which the at least one first and at least one second longitudinal fins form a channel with the underside of the fuselage, the channel includes the nose and tail of the fuselage.

Since claim 18 is believed to be allowable over Ratliff, dependent claims 25, 27, 31, 32, and 34 are believed to be allowable over Ratliff as well.

In item 9 on page 4 of the Office action, claims 18, 19, 25, 27, 31, 32, and 34 have been rejected as being fully

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anticipated by Gioia (U.S. Patent No. 4,691,881) under 35

U.S.C. § 102.

The Gioia reference discloses that running along the underside and integral with the fuselage (11) is the fuselage hull (21), which provides the airplane with a substantially smooth bottom design. The two sides of the fuselage hull (21) include sponsons (22). Between the extremities of the sponsons (22), two twin keels (25) extend downwardly from the underside of the hull (21), the substantial part of which are disposed aft of the center of gravity (52) of the airplane (10).

The reference does not show that the at least one first and at least one second longitudinal fins form a channel with the underside of the fuselage, the channel including the nose and tail of the fuselage, as recited in claim 18 of the instant application. The Gioia reference discloses that the keels extending downwardly from the underside of the hull are substantially disposed behind the center of gravity of the airplane. The Gioia reference does not disclose that the keels form a channel that includes the nose of the fuselage. This is contrary to the invention of the instant application as claimed, in which the at least one first and at least one second longitudinal fins form a channel with the underside of

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the fuselage, the channel includes the nose and tail of the fuselage.

Since claim 18 is believed to be allowable over Gioia, dependent claims 19, 25, 27, 31, 32, and 34 are believed to be allowable over Gioia as well.

In item 11 on page 4 of the Office action, claim 26 has been rejected as being obvious over Ratliff (U.S. Patent No. 5,415,365) in view of Gioia (U.S. Patent No. 6,290,174) (hereinafter " '174") under 35 U.S.C. § 103. The '174 reference does not make up for the deficiencies of Ratliff. Since claim 18 is believed to be allowable, dependent claim 26 is believed to be allowable as well.

It is appreciatively noted from item 12 on page 5 of the Office action that claim 24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As noted above, allowable claim 24 has been amended to overcome the rejection under 35 U.S.C. §112. Furthermore, allowable claim 24 has been amended so as to include the subject matter of independent claim 18. Therefore, claim 24 is allowable.

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It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 18. Claim 18 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 18, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 18-23 and 25-37 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$60 in accordance with Section 1.17 is enclosed herewith.

If an extension of time for this paper is required, petition for extension is herewith made.

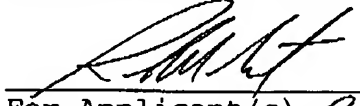
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Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


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AKD:cgm

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